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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,203	07/24/2000	Masamine Maeda	35.C12076 DIV.I	6824
5514	7590	12/02/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ONUAKU, CHRISTOPHER O	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/624,203	Applicant(s) MAEDA ET AL.	
	Examiner Christopher O. Onuaku	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/16/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-42 is/are allowed.
- 6) ☒ Claim(s) 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/24/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 25 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,148,141.

Regarding claim 25, claim 1 of the U.S. Patent No. 6,148,141 cite the features of claim 25 of this application including:

- a) image pickup means for picking up an image (see col.9, line 61);
- b) first compression encoding means for compression-encoding image data output from said image pickup means, with a first compression method (see col.9, lines 62-64);

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c) second compression encoding means for compression-encoding the image output from the image pickup means, with a second compression method (see col.9, lines 65-67);

d) radio transmission means for modulating first image data compression-encoded by said first compression encoding means and transmitting the first image data through a radio transmission path to a display apparatus which displays an image picked-up by said image pickup means, the display apparatus being detachably mounted on said image pickup apparatus (see col.10, lines 1-6);

e) control means for controlling said first compression encoding means so as to output the first image data to said radio transmission means in a case where the display apparatus is not connected electrically and mechanically to said image pickup apparatus (see col.10, lines 13-20).

Although the conflicting claims are not identical, they are not patently distinct from each other because the pertinent features claim 25 of this instant application are broader and encompass the pertinent features of claim 1 of US Patent No. 6,148,141.

3. Claim 26 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. No. 6,148,141.

Regarding claim 26, claim 2 of the U.S. Patent No. No. 6,148,141 cite the features of claim 26 of this application including wherein the first compression method comprises the JPEG method, and wherein the second compression method comprises the DV compression method (see col.10, lines 21-24).

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The features of claim 26 of current application are obvious over the pertinent features of claim 2 of US Patent 6,148,141 because features of claim 26 of current application are broader and encompass the pertinent features of claim 2 of US Patent No. 6,148,141.

4. Claim 27 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. No. 6,148,141.

Regarding claim 27, claim 3 of the U.S. Patent No. No. 6,148,141 cite the features of claim 27 of this application including wherein the first compression method comprises the MPEG method, and wherein the second compression method comprises the DV compression method (see col.10, lines 21-24).

The features of claim 27 of current application are obvious over the pertinent features of claim 3 of US Patent 6,148,141 because features of claim 27 of current application are broader and encompass the pertinent features of claim 3 of US Patent No. 6,148,141.

5. Claim 28 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. No. 6,148,141.

Regarding claim 28, claim 4 of the U.S. Patent No. No. 6,148,141 cite the features of claim 28 of this application including wherein said control means inhibits a supply of electric power to said first compression encoding means and to said radio

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transmission means in a case where the display apparatus is connected electrically and mechanically to said image pickup apparatus (see col.10, lines 29-34

The features of claim 28 of current application are obvious over the pertinent features of claim 4 of US Patent 6,148,141 because features of claim 28 of current application are broader and encompass the pertinent features of claim 4 of US Patent No. 6,148,141.

6. Claim 29 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,148,141.

Regarding claim 29, claim 5 of the U.S. Patent No. 6,148,141 cite the features of claim 29 of this application including wherein the radio transmission means spectrum-diffusion modulates the first image data.

The features of claim 29 of current application are obvious over the pertinent features of claim 5 of US Patent 6,148,141 because features of claim 29 of current application are broader and encompass the pertinent features of claim 5 of US Patent No. 6,148,141.

7. Claim 30 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,148,141.

Regarding claim 30, claim 1 of the U.S. Patent No. 6,148,141 cite the features of claim 30 of this application including:

a) camera main body (see col.9, line 61);

b) compression encoding means for compression-encoding image data output from said camera main body, said compression encoding means being capable of compression-encoding the image data with a plurality of different compression methods (see col.9, lines 62-67);

d) radio transmission means for modulating the image data compression-encoded by said compression encoding means and transmitting the image data to said display apparatus through a radio transmission path, which displays an image picked-up by said image pickup means, the display apparatus being detachably mounted on said image pickup apparatus (see col.10, lines 1-6);

d) a display apparatus for displaying an image which is picked-up by said camera main body, said display apparatus being detachable from said camera main body (see col.10, lines 7-10), here the claimed display apparatus and the claimed display apparatus being detachable from the camera main body in the current application reads on the display apparatus connected to the camera in a detachable manner as it is cited in the features of claim 1 of US Application No.6,148,141);

e) wherein the compression encoding means changes the compression method according to the attachment/detachment status of the display apparatus with respect to said camera main body (see col.10, lines 13-20).

Although the conflicting claims are not identical, they are not patently distinct from each other because the pertinent features claim 30 of this instant application are broader and encompass the pertinent features of claim 1 of US Patent No. 6,148,141.

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8. Regarding claim 31, claims 2&3 of the U.S. Patent No. No. 6,148,141 cite the features of claim 31 of this application including wherein the plurality of compression methods includes at least one of the JPEG compression method, the MPEG compression method, and the DV compression method (see col.10, lines 21-28)

The features of claim 31 of current application are obvious over the pertinent features of claims 2&3 of US Patent 6,148,141 because features of claim 31 of current application are broader and encompass the pertinent features of claims 2&3 of US Patent No. 6,148,141.

9. Claim 32 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. No. 6,148,141.

Regarding claim 32, claim 4 of the U.S. Patent No. No. 6,148,141 cite the features of claim 32 of this application including control means for controlling an electric power supply so as to inhibit a supply of electric power to said radio transmission means in a case where the display apparatus is connected electrically and mechanically to said camera main body (see col.10, lines 29-34)

The features of claim 32 of current application are obvious over the pertinent features of claim 4 of US Patent 6,148,141 because features of claim 32 of current application are broader and encompass the pertinent features of claim 4 of US Patent No. 6,148,141.

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10. Claim 33 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,148,141.

Regarding claim 33, claim 5 of the U.S. Patent No. No. 6,148,141 cite the features of claim 33 of this application including wherein the radio transmission means spectrum-diffusion modulates the first image data.

The features of claim 29 of current application are obvious over the pertinent features of claim 5 of US Patent 6,148,141 because features of claim 29 of current application are broader and encompass the pertinent features of claim 5 of US Patent No. 6,148,141.

Allowable Subject Matter

11. Claims 34-42 are allowable over the prior art of record.

12. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 34, the invention relates to an image pickup device adapted for use in a camcorder, a display device for displaying the picked-up image, and an image pickup system consisting of the image pickup device and the display device.

The closest references Kashimura (US 5,381,179) teaches a video camera and a camera-integrated video recorder apparatus, and Fukuoka (US 5,754,227) teaches a digital electronic camera and the interfacing of the camera to an external processing device which monitors and/or controls the camera through an input/output interface.

However, Kashimura and Fukuoka fail to explicitly disclose an image pickup system, where the system comprises control means for controlling the first and second compression encoding means so as to output the first image data to the radio transmission means in a case where the display apparatus is not connected electrically and mechanically to the image pickup apparatus, and so as to output the second image data to the recording means in a case where the display apparatus is connected electrically and mechanically to the image pickup apparatus.

Regarding claim 39, the invention relates to an image pickup device adapted for use in a camcorder, a display device for displaying the picked-up image, and an image pickup system consisting of the image pickup device and the display device.

The closest references Kashimura (US 5,381,179) teaches a video camera and a camera-integrated video recorder apparatus, and Fukuoka (US 5,754,227) teaches a digital electronic camera and the interfacing of the camera to an external processing device which monitors and/or controls the camera through an input/output interface.

However, Kashimura and Fukuoka fail to explicitly disclose an image input apparatus, where the input apparatus comprises output means for compressing the image data input by the image input means at a first compression ratio to output the compressed image data to the display apparatus through a radio transmission path in a case where the display apparatus is not connected electrically and mechanically to the image input apparatus, and for compressing the image data input by the image input means at a second compression ratio to record the compressed image data on a

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recording medium and to output the image data to the display apparatus in a case where the display apparatus is connected electrically and mechanically to the image input apparatus.

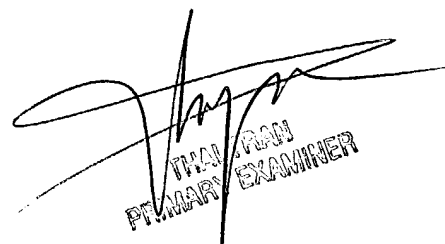
Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher O. Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


COO
11/26/04


THAI/COO
PRIMARY EXAMINER